

# **EXHIBIT E**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3       IN RE:    PROCESSED EGG PRODUCTS   :  
4       ANTITRUST LITIGATION               :  
5       -----:   MDL No. 2002  
6       THIS DOCUMENT APPLIES TO:         :   08-MD-02002  
7       ALL ACTIONS                         :

8                       -- HIGHLY CONFIDENTIAL --

9                       Thursday, June 27, 2013

10  
11                      Continued videotaped deposition of  
12       GENE W. GREGORY, taken at the offices of  
13       Pepper Hamilton LLP, 3000 Two Logan Square,  
14       18th & Arch Street, Philadelphia,  
15       Pennsylvania 19103, beginning at 8:08 a.m.,  
16       before LINDA ROSSI RIOS, RPR, CCR and Notary  
17       Public.

1           GENE W. GREGORY - HIGHLY CONFIDENTIAL  
2       developing the UEP certified program?

3           A.           Yes.

4           Q.           And who were those other  
5       individuals or entities?

6           A.           Food and Marketing Institute,  
7       and -- who we refer to as FMI, and the  
8       National Council of Chain Restaurants who we  
9       refer to as NCCR.

10          Q.           How about the USDA and Validus?

11          A.           We needed to find a way in  
12       which to make sure that we had a credible  
13       program, and so we urged USDA originally to  
14       be an auditing firm. We felt it was  
15       important to have a government agency doing  
16       the auditing as well as an independent agency  
17       doing the auditing. So USDA and Validus then  
18       worked with us and became the auditing firms.

19          Q.           And did Kroger work with you?

20                       MR. OLSON: Objection to form.

21                       THE WITNESS: Kroger, I don't  
22       recall. I do know that there was at  
23       least one time that Kroger attended a  
24       meeting. I know at one time we held a  
25       special as farm tour and like